



1722
#6

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 12, 2002:

By Kim Turilli
Kim Turilli
Dated: July 12, 2002

Patent
Atty. Docket: J646-005 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : D. Elsener, et al.
Serial No. : 09/672,726
Filing Date : September 28, 2000
Examiner : Unknown
Group Art Unit : 1722
For : THERMOCYCLER AND LIFTING ELEMENT

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- [] Under 37 C.F.R. 1.129(a), or
(First/Second Submission after Final Rejection)
- [XX] Under 37 C.F.R. 1.97(b), or
(Within any one of the following time periods: three (3) months of filing national application, other than a CPA, or date of entry of the national stage in an international application; or before the mailing date of a first official action on the merits in a non-provisional application, including a CPA; or a Request for Continued Examination (RCE))
- [] Under 37 C.F.R. 1.97(c), together with either:
- [] Statement under 37 C.F.R. 1.97(e), as checked below, or
- [] Fee of \$180.00 under 37 C.F.R. 1.17(p), or
(After the 37 C.F.R. 1.97(b) time period, but before Final Office Action or Notice of Allowance, whichever issues first)
- [] Under 37 C.F.R. 1.97(d), together with:
- [] Statement under 37 C.F.R. 1.97(e), as checked below, and
- [] Fee of \$180.00 under 37 C.F.R. 1.17(p), or

RECEIVED
OCT 23 2002
TECHNOLOGY CENTER R3700

RECEIVED
JUL 23 2002
TC 1700

(Filed after Final Office Action or Notice of Allowance, whichever issues first,
but on or before payment of Issue Fee)

☐ Under 37 C.F.R. 1.97 (i):

Applicant respectfully requests that the I.D.S. and cited reference(s)
be placed in the application file wrapper (Filed after payment of Issue Fee).

Statement Under 37 C.F.R. 1.97(e):

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement.

Statement Under 37 C.F.R. 1.704 (d) - (Patent Term Adjustment):

(Applies to original applications, other than designs, filed on or after May 29, 2000)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty (30) days prior to the filing of the Information Disclosure Statement.

Enclosed Herewith is Form PTO-1449, and:

- ☒ Copies of the cited references are enclosed.
- ☐ Copies of the cited references are enclosed, except those entered in prior application, U.S. Serial No. _____, to which priority under 35 U.S.C. 120 is claimed (The earlier application contains copies of the cited references).
- ☒ The listed references were cited in the enclosed European Search Report, and International Search Report (German-Language) in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English reference) for Reference DE 197 39 119 A1 under 37 C.F.R. 1.98(a)(3) is satisfied by:
- ☒ the explanation provided on the attached sheet;
- ☐ the explanation provided in the specification;
- ☐ submission of the enclosed International Search Report; or
- ☒ the enclosed English language Abstract.

☐ Applicant requests that the following pending applications be considered:

U.S. Patent/Application No. _____, filed/issued _____
U.S. Patent/Application No. _____, filed/issued _____
U.S. Patent/Application No. _____, filed/issued _____

Examiner

Date

- [] A copy of each above-cited application, including the current claims, is enclosed.
- [] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application Serial No. _____, to which priority under 35 U.S.C. 120 is claimed.

The Examiner is respectfully requested to return a copy of the above list of pending applications indicating which references were considered with the next Official Action.

Further, it is respectfully requested that the information disclosed herein be made of record in this application.

Method of Payment:

- [] A check for the fee noted above is enclosed.
- [] Please charge our deposit account No. 14-1431.
- [XX] The Commissioner is authorized to charge any deficiency in payment of fees and credit any overpayment to our Deposit Account No. 14-1431.

Respectfully submitted,



Peter C. Michalos
Reg. No. 28,643
Attorney for Applicant(s)
(212) 564-0200

Dated: 7/10/02

NOTARO & MICHALOS P.C.
Empire State Building
350 Fifth Avenue, Suite 6902
New York, NY 10118-6985



REMARKS

The only non-~~DE~~ reference, DE 197 39 119 A1, is relevant for its disclosure of a micro titer plate for subjecting organic samples to heat. A mechanically generated translation of the abstract is also provided for reference.

RECEIVED
JUL 23 2002
TC 1700